

SUMMARY REPORT DIGEST

INDEPENDENT POLICE REVIEW AUTHORITY

LOG NO

1078819

TYPE

CR

DATE OF REPORT

25-Jan-2017

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: ☒ CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW
AUTHORITY

☐ CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
ANAELE, BENEDICT	9181	115		113	
REFERENCE NOS. (LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)					
INCIDENT ADDRESS			DATE / TIME		BEAT
E. 89TH ST, CHICAGO, IL 60619			09-JAN-2016 01:01		632

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY?	SWORN ?
SCHULTZ, KRISTOPHER K	9161	12531		006		M / WHI		31-OCT-2012	YES	YES
SMALEC, STANISLAW	9161	16512		006		M / WHI		19-FEB-2013	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
	E. 90TH ST CHICAGO, IL			M / BLK	

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
	E. 90TH ST CHICAGO, IL			M / BLK	

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
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* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

See Page 3

SUMMARY

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ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
13, 33 & 42	4, 5, 6, 14, 21 & 34	00	42

FINDINGS - RECOMMENDATIONS

Accused #1: Officer Kristopher Schultz #12531, Unit 006

Allegations #1 - #4: Unfounded

Accused #2: Officer Stanislaw Smalec #16512, Unit 006

Allegation #1: Exonerated

Allegation #2: Unfounded

Approved:

IPRA, Chief Investigator

LOG #1078819

DATE INITIATED
(Date incident was received for investigation)

13-JAN-2016

DATE COMPLETED (Date of this report)

25-Jan-2017

ELAPSED TIME
(Total time expressed in days)

379

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER

INTRODUCTION:

On 09 January 2016, Mr. [REDACTED] was stopped and cited for traffic offenses. His driver's license was taken away as a result; Mr. [REDACTED] exited his vehicle and began to protest, screaming at Officer Schultz and his partner. The officers explained to Mr. [REDACTED] the process of contesting the citation and retrieving his driver's license and walked away. As the officers attempted to drive away in their squad car, Mr. [REDACTED] ran up to the squad car and kicked it with his foot, damaging the bumper of the squad car. The officers stopped, exited the squad car, and attempted to arrest Mr. [REDACTED]. Mr. [REDACTED] began to resist and Officer Schultz performed a takedown of Mr. [REDACTED]. Mr. [REDACTED] was subsequently placed in custody. This incident was captured on the officers' squad car dashboard camera.

The in-car video recording captured the entirety of this event. The video evidence shows that the conduct reported by Mr. [REDACTED] did not occur as alleged, or was in compliance with the CPD Use of Force Model; the allegations are therefore Exonerated and Unfounded.

ALLEGATIONS:

On 10 January 2016, at 1825 hours, Sgt. Patrick Medrano #878, Unit 006, contacted the Independent Police Review Authority (IPRA) and registered this complaint with Investigator Ramona Hendricks #140, on behalf of Mr. [REDACTED]. Mr. [REDACTED] alleged that on 09 January 2016, at approximately 0100 hours, at [REDACTED] E. 89th Street, Officer Kristopher Schultz #12531, Unit 006;

- 1) Grabbed Mr. [REDACTED] by the left shoulder while he was handcuffed and slammed him to the ground in violation of Rule 8.
- 2) Never told Mr. [REDACTED] why he received citations in violation of Rule 2
- 3) Bent Mr. [REDACTED] wrist after he was handcuffed in violation of Rule 8.
- 4) Called Mr. [REDACTED] a "Smart Ass," in violation of Rule 9;

Officer Stanislaw Smalec #16512, Unit 006;

- 1) Pointed a taser at Mr. [REDACTED] in violation of Rule 2
- 2) Never told Mr. [REDACTED] why he received citations in violation of Rule 2.

APPLICABLE RULES AND LAWS

- Rule 8:** Disrespect or maltreatment of any person, while on or off duty
- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Order 03-02-01: Use of Force Model.

Special Order S08-01- 01(II) (B) (10): The member assigned to investigate a Log Number will terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated.

INVESTIGATION:

In his **Initiation Report**, Sgt. Patrick Medrano, #878, documented that [REDACTED] stated that while he was being escorted to the squad car in handcuffs, Officer Schultz caused him to fall to the ground striking the left side of his face on the ground causing swelling and bruises to his face. Sgt. Medrano added that Mr. [REDACTED] stated that he received treatment for his injury while in custody. (Att. #35)

In a statement with IPRA on 12 January 2016, Mr. [REDACTED] stated that on 09 January 2016, at approximately 0100 hour, during a traffic stop, Officer Kristopher Schultz #12531, and his partner, Officer S. Smalec #16512, approached his vehicle and demanded his driver's license, proof of insurance and registration. Mr. [REDACTED] produced his driver's license to Officer Schultz and was not able to produce his insurance and registration information because he did not have them on him. Officer Shultz went to the squad car and ran the license plate of Mr. [REDACTED]'s vehicle. Officer Shultz returned to Mr. [REDACTED] and informed him that the plate did not match his vehicle. Officer Shultz issued Mr. [REDACTED] a ticket, retained his driver's license and asked to see the papers for the vehicle. Mr. [REDACTED] began to question about the reason he was stopped because the officers did not tell him. Officer Shultz explained to Mr. [REDACTED] that his license plate did not match his vehicle and he did not have the car title and proof of insurance. Officer Shultz then informed Mr. [REDACTED] that if he wants his driver's license back, he could go to the station and pay \$200 USC or go to court. Mr. [REDACTED] became angry and frustrated because the officers kept his driver's license. Mr. [REDACTED] stated that he got out of his vehicle and as he was getting out of his vehicle, Officer Shultz began to reach for his weapon while Officer Smalec drew his taser pointing it at him and ordered Mr. [REDACTED] to get back in his car and leave. Mr. [REDACTED] stated that the officers got back in their squad car and began to drive off. Mr. [REDACTED] stated that he was mad, lost his temper at that point and kicked the front bumper of the squad car.

The officers stopped and exited their squad car. Both officers grabbed Mr. [REDACTED] and placed him against his vehicle, and handcuffed him. Mr. [REDACTED] stated that Officer Shultz bent his wrist after he was handcuffed. Mr. [REDACTED] stated that as Officer Shultz held him by the right shoulder and Officer Smalec had him by the left wrist escorting him to the squad car, Officer Shultz stated, "You resisting arrest," and slammed the left side of his face to the concrete ground. Mr. [REDACTED] stated that the officers then picked him up from the ground and placed him in the squad car. Officer Shultz then called Mr. [REDACTED] "Smart ass," and they transported him to the station. Mr. [REDACTED] stated that he sustained abrasions and swelling to the left side of his face and sought medical treatment at Little Company of Mary Hospital. Mr. [REDACTED] added that he was alone and there were no witnesses to the incident. (Att.13, 33, 42)

Medical Records obtained from Little Company of Mary Hospital indicate that [REDACTED] came to the Emergency Room on 09 January 2016, at 0828 hours. Mr. [REDACTED] complained of abrasions and redness to the left side of his face. Mr. [REDACTED] was diagnosed with acute facial contusion and was given Ibuprofen (Motrin) 600 MG. (Att. #32)

Evidence Technician Photographs taken of Malcolm Reasonover depict abrasions and swelling to the left side of his face. The photographs also depict damage to the left side of the bumper of the squad car bearing number "8773." (Att. #22).

Video footage from the **In-Car Camera** of Beat 0606H captured the contact between Mr. [REDACTED] and the arresting officers. After he was issued traffic citations, Mr. [REDACTED] became angry and exited his vehicle, despite being told repeatedly to "Stay in the car." The passenger officer exited the police vehicle and repeatedly told Mr. [REDACTED] to get "Back in the car"; after continued argument, the driver officer instructed Mr. [REDACTED] that his actions would be taken as a threat. Mr. [REDACTED] yelled, "Alright shoot me then," and the driver officer responded, "Why would I shoot you?"

Mr. [REDACTED] began to unzip his jacket, while the driver officer backed away. The passenger officer unholstered his taser and asked Mr. [REDACTED] "where would you like it?" The driver officer instructed him instead to "Create distance." Mr. [REDACTED] inquired of the passenger officer, "You going to tase me?" and the passenger officer replied, "Yes I will, sir." The driver officer stated that they were going to leave, while the passenger officer explained, "If you take another step towards me, I'm going to sh-, I'm going to tase you; I'm not going to shoot you, I'm going to tase you." Mr. [REDACTED] repeatedly yelled, "I'm another Black statistic."

The officers backed away and entered their patrol vehicle; they told Mr. [REDACTED] to "Have a good night," and the driver officer repeated, "Create distance." As their vehicle reversed, Mr. [REDACTED] ran towards their car, and appeared to kick the front bumper. The officers then exited their vehicle and instructed Mr. [REDACTED] to "Get down." Together the officers grabbed and turned Mr. [REDACTED] toward his car and placed him face down on the trunk. Mr. [REDACTED] again said, "I'm a Black statistic." The driver officer instructed him, "Stop resisting," and all three of them spun around. Each officer held one of Mr. [REDACTED]'s arms and took him to the ground while repeating, "Stop resisting." The left side of Mr. [REDACTED]'s face struck the ground during this maneuver. Once he was on the ground the officers handcuffed and searched him before placing him inside their vehicle. (Att. #23-28, 34)

Mr. [REDACTED] was issued **Multiple Citations** for various traffic violations on 09 January 2016, at 0109 hours, at [REDACTED] E. 89th Place by Officer Kristopher Schultz #12531, Unit 006 (Att. #36)

Department Reports, which included the Arrest Report, Original Case Incident Report, and Case Supplementary Report, documented that Mr. [REDACTED] was arrested on 09 January 2016, at 0109 hours, at [REDACTED] E. 89th Place, by Officer Kristopher Schultz #12531, and Officer Stanislaw Smalec #16512. Mr. [REDACTED] was charged with two counts of Resisting/Obstructing a Police Officer; Aggravated Assault to a Police Officer; Criminal Damage To Property and multiple Traffic Offenses.

The narrative documented that officers observed Mr. [REDACTED]'s vehicle heading southbound on Cottage Grove Avenue. A check of his license plate revealed that it was not on file with the Illinois Secretary of State. The officers stopped Mr. [REDACTED] and he could not produce insurance and proof of registration. The officers issued Mr. [REDACTED] citations for traffic violations and retained his driver's license. Mr. [REDACTED] became upset, exited his vehicle and began to approach the officers stating that he needed his driver's license. Officer Shultz explained to Mr. [REDACTED] that his license may be returned to him on his scheduled court date or he could go into the police station to post a cash bond and receive his driver's license there.

The officers began walking back to their squad car. Mr. [REDACTED] became irate and began to demand his driver's license. Officer Shultz ordered Mr. [REDACTED] to get back in his vehicle, though Mr. [REDACTED] failed to comply. Officer Shultz again explained to Mr. [REDACTED] the process for getting his driver's license back. Mr. [REDACTED] began to close distance on the officers yelling at them, "Shoot me, I am just another black statistic." The officers again advised Mr. [REDACTED] to return to his vehicle and they returned to their squad car. Mr. [REDACTED] again failed to comply, and as the officers attempted to drive away by reversing their squad car, Mr. [REDACTED] walked towards the squad car at a quick pace and clenched his fists towards Officer Schultz, whose vehicle window was rolled down, and kicked the squad car causing damage to the driver side lower bumper of the squad car.

At this point, the officers exited the squad car and Officer Schultz attempted to place Mr. [REDACTED] in handcuffs. Mr. [REDACTED] began to pull away to defeat the arrest. Officer Schultz then performed an emergency takedown of Mr. [REDACTED] and was able to securely place him in handcuffs. Mr. [REDACTED] suffered a laceration and abrasion to the left side of his face; Mr. [REDACTED] refused medical treatment by the ambulance that responded to the station. (Atts. #4, 5 & 21)

The **Tactical Response Report** completed by Officer Kristopher Schultz #12531, documented that Mr. [REDACTED] was an active resister and assailant who "did not follow verbal direction, pulled away, and was an imminent threat of battery" to Officer Schultz. The "Officer's Response" section documented that the officers used "member's presence, verbal commands, and take down/emergency handcuffing" to control Mr. [REDACTED] (Att. #6)

Department Vehicle Traffic Crash or Damage Report documented that on 09 January 2016, at 0043 hours, at [REDACTED] E. 89th Place, Mr. [REDACTED] was upset after receiving a personal service citations for traffic violations. Mr. [REDACTED] kicked the lower bumper/air deflector of Squad car #8773 causing damage to the squad car. (Att. #14)

CONCLUSION:

IPRA recommends a finding of **Unfounded** for **Allegation #1** that **Officer Kristopher Schultz #12531**, grabbed [REDACTED] by the left shoulder while he was handcuffed and slammed him to the ground in violation of Rule 8. Mr. [REDACTED] was confrontational and resisted arrest. Mr. [REDACTED] admitted he could not produce his vehicle insurance and registration information. The officers issued Mr. [REDACTED] citations and kept his driver's license. The officers made several attempts to leave the scene without arresting Mr. [REDACTED]. They walked away telling Mr. [REDACTED] to get back in his car and leave as Mr. [REDACTED] was angry and frustrated screaming and yelling at the officers. Mr. [REDACTED] admitted he lost his temper and ran towards the officers' squad car and kicked the front bumper. The Evidence Technician photographs shows damage to the left side of the bumper of the squad car and the In-Car video confirmed that Mr. [REDACTED] ran towards the squad car and kicked it. It also captured Mr. [REDACTED] struggling and resisting the officers' attempts to place him in custody causing three of them to spin around while each officer held one of Mr. [REDACTED]'s arms and took him to the ground and handcuffed him. Mr. [REDACTED] was taken to the ground and then handcuffed; after he was handcuffed he was not subsequently taken back down to the ground. The allegation did not occur as Mr. [REDACTED] alleged. Based on the evidence that has been gathered, the Reporting Investigator recommends that this investigation be terminated at this time in accordance with the provision of Special Order S08-01-01(II)(B)(10), without conducting further interview or obtaining a statement from Officer Shultz or any officers; this allegation is therefore **Unfounded**.

IPRA recommends a finding of **Unfounded** for **Allegation #2**, that **Officer Kristopher Schultz #12531**, never told Mr. [REDACTED] why he received citations in violation of Rule 2. The video clearly captured Officer Schultz explain the reason of the stop to Mr. [REDACTED] and informed him on how to retrieve his driver's license. The evidence established that this allegation was false and did not occur as alleged. Therefore, IPRA recommends that the allegation be **Unfounded** in accordance with the provision of Special Order S08-01-01(II)(B)(10), and no statement be obtained from Officer Schultz or any officers.

IPRA recommends a finding of **Unfounded** for **Allegation #3**, that **Officer Kristopher Schultz #12531**, bent Mr. [REDACTED] wrist after he was handcuffed in violation of Rule 8. The video evidence showed Mr. [REDACTED] kick the front bumper of the squad car and the officers exited their squad car and ordered Mr. [REDACTED] to "Get Down." The officers grabbed and turned Mr. [REDACTED] towards his car and placed him face down on the trunk to place him in custody. Mr. [REDACTED] continued to struggle and resist, he and the officers spun around and the officers took Mr. [REDACTED] to the ground and handcuffed him. The video evidence did not show Officer Shultz bend Mr. [REDACTED]'s wrist as he alleged. Therefore, IPRA recommends that this investigation be terminated at this time in accordance with the provision of Special Order S08-01-01(II)(B)(10), without conducting further interview or obtaining a statement from any officers, and the finding be classified as **Unfounded**.

IPRA recommends a finding of **Unfounded** for **Allegation #4**, that **Officer Kristopher Schultz #12531**, called Mr. [REDACTED] a "Smart Ass," in violation of Rule 9. The officers could be heard loud and clear in the video and there was no time in the video that Officer Schultz

called Mr. [REDACTED] a "Smart Ass" as Mr. [REDACTED] alleged. There is no evidence to support this allegation. Therefore, IPRA recommends that this investigation be terminated at this time in accordance with the provision of Special Order S08-01-01(II)(B)(10), without conducting further interview or obtaining a statement from any officers, and the finding be classified as **Unfounded**.

IPRA recommends a finding of **Exonerated** for **Allegation #1** that **Officer Stanislaw Smalec #16512**, pointed a taser at Mr. [REDACTED] in violation of Rule 2. The video evidence confirmed that Officer Smalec pointed, but did not discharge, his taser at Mr. [REDACTED] in response to Mr. [REDACTED] refusing to comply with the repeated instruction to get into his car and instead unzipping his jacket and approaching the officers. Therefore, Mr. [REDACTED]'s actions were consistent with that of an active resister/assailant, as defined by Chicago Police Department General Order 03-02-01. Accordingly, the Use of Force Model permits the use of tasers in response to Active Resisters or Assailants; therefore Officer Smalec pointing a taser at Mr. [REDACTED] was a permitted force option, and this allegation is **Exonerated**. Based on the totality of the circumstances surrounding this incident, along with the evidence that has been gathered, IPRA recommends that this investigation be terminated at this time in accordance with the provision of Special Order S08-01-01(II)(B)(10), without conducting further interview or obtaining a statement from any officers.

IPRA recommends a finding of **Unfounded** for **Allegation #2**, that **Officer Stanislaw Smalec #16512**, never told Mr. [REDACTED] why he received citations in violation of Rule 2. Officer Schultz repeatedly explained the reason of the stop to Mr. [REDACTED] and informed him on how to retrieve his driver's license. The evidence established that this allegation was false and did not occur as alleged. Mr. [REDACTED] disregarded the officers. Therefore, IPRA recommends that the allegation be **Unfounded** in accordance with the provision of Special Order S08-01-01(II)(B)(10), and no statement be obtained from Officer Smalec or any officers.

It should be noted that the video also recorded Officer Schultz repeatedly attempt to de-escalate the situation with Mr. [REDACTED]. This use of de-escalation tactics is encouraged by IPRA.